



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

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BY FACSIMILE

The Honorable Paul A. Crotty
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Daniel DeJesus Cedeno,
07 Cr. 964 (PAC)

Dear Judge Crotty:

I write regarding the hearing on the defendant's motion to dismiss the indictment in the above-captioned matter, which is currently scheduled for Thursday, January 17, 2008, at 2:30 p.m. As argued in the Government's response brief, the only factual issue in dispute – whether the defendant entered the United States via Miami International Airport in 1990 and again in 1992 – is an issue that must be left for the jury to decide at trial. Accordingly, an evidentiary hearing would be inappropriate at this time, and the Government respectfully requests that it be removed from the calendar. Should the Court require oral argument on the legal issues raised in the defendant's motion, the Government respectfully requests that the Court grant a one-week adjournment of the hearing date until Wednesday, January 23, 2008, or another date that is convenient for the Court.

Respectfully submitted,

MICHAEL J. GARCIA
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cc: Susana Abarca, Esq. (by fax)

MEMO ENDORSED